

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH: NAGPUR
MISC. CIVIL APPLICATION [REVIEW] NO.112 OF 2005
IN
IN WRIT PETITION NO.3296 OF 1997

Smt. Surajdevi Goverdhandas Vrma

versus

The Chief Officer and others

Mr. Shashikant Borkar, Advocate for applicants.

Mr. S. S. Ghatge, Advocate for the respondent no.1

Mrs. Dangre, A. G. P. for respondent no.2.

CORAM: D. D. SINHA AND S.R. DONGAONKAR, JJ.

DATE: 16.8.2006

Counsel for the applicant seeks permission to withdraw the Misc. Civil Application No. 112/2005 for review of the order dated 2.8.2002 passed by this Court whereby Writ Petition No.3296/1997 came to be dismissed.

Learned counsel for the petitioner states that the petitioner is a old lady of more than 75 years of age and therefore, the delay which is caused in filing writ petition was neither intentional nor deliberate. It is contended that by impugned order the writ petition was dismissed mainly on the ground of delay and laches. The counsel for the petitioner therefore, prays for

permission to make representation to the Municipal Council in view of certain government resolutions and prays that, direction be given to Municipal Council to decide the same on its own merits within a stipulated period.

Considered the contentions canvassed by the respective counsel. Reasoning given for dismissal of the writ petition in the impugned order in our view is just and proper. However, looking to the age and other attaining circumstances we permit the petitioner to make representation for the grievances referred to herein above to Municipal Council within a period of 4 weeks from today and if such representation is made, Municipal Council is directed to decide the same according to law and procedure applicable in this regard after considering the entitlement of the petitioner for grant of benefit, if any, as per the government resolutions if applicable within a period of 8 weeks from the date of receipt of such representation.

Impugned order dated 2.8.2002 shall not come in the way of Municipal Council in considering the representation of the petitioner. However, if the representation is rejected by the Municipal Council, impugned order dated 2.8.2002 shall stand confirmed. With these observations the application stands disposed of.

JUDGE

JUDGE

smp.